

# EXHIBIT H

Office of the General Counsel

U.S. Department of Homeland Security  
Washington, DC 20528



**Homeland  
Security**

September 30, 2011

Anthony T. Eliseuson  
SNT Denton US LLP  
233 South Wacker Drive  
Suite 7800  
Chicago, IL 60606-6306

Re: **PRIV 11-1242**

Dear Mr. Eliseuson:

This is the final response to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS) Office of the General Counsel (OGC) dated September 1, 2011, and received by this office on September 13, 2011. You are seeking documents related to the list of Tier III terrorist organizations: A) A copy of the list of Tier III terrorist organizations kept by USCIS as referred to in *Ahmed v. Scharfen*, No. 08-1680, 2009 U.S. Dist. LEXIS 591, at \*21 (N.D. Cal. Jan 7, 2009), as it existed on December 15, 2008, when the government's counsel represented to the court that such a list exist; B) A copy of each subsequent list of Tier III terrorist organizations kept by USCIS after the list referenced in *Ahmed v. Scharfen*; C) All documents produced by the USCIS, DHS, or any other subcomponent of DHS in *Ahmed v. Scharfen*, No. 08-1680 (N.D. Cal.), not including documents that specifically relate only to Plaintiff Saeed Ahmend; and D) Any documents listing or describing organizations which have been designated Tier III terrorist organizations but which have yet to be used as a basis of inadmissibility against an applicant.

We conducted a comprehensive search of files within DHS-OGC for records that would be responsive to your request. Unfortunately, we were unable to locate or identify any responsive records.

While an adequate search was conducted, you have the right to appeal this determination that no records exist within DHS-CRCL that would be responsive to your request. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in the DHS FOIA regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at [www.dhs.gov/foia](http://www.dhs.gov/foia).

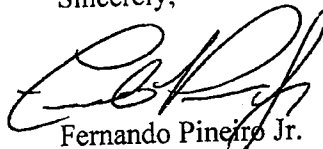
The Office of Government Information Services (OGIS) also mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. If you wish to contact OGIS, you may email them at [ogis@nara.gov](mailto:ogis@nara.gov) or call 1-877-684-6448.

[www.dhs.gov](http://www.dhs.gov)

Provisions of the FOIA allow us to recover part of the cost of complying with your request. In this instance, because the cost is below the \$14 minimum, there is no charge.

If you need to contact our office concerning this request, please call 202-357-7672 and refer to **PRIV 11-1242**.

Sincerely,



Fernando Pineiro Jr.  
FOIA Officer